



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

JUN 17 2013

Utrecht & Phillips, PLLC  
Patricia A. Fiori, Esq.  
1900 M. Street, NW  
Suite 500  
Washington, DC 20036

RE: MUR 6669

Dear Ms. Fiori:

On October 24, 2012, the Federal Election Commission notified your clients, Duckworth for Congress and Nancy Chen in her official capacity as treasurer of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On June 11, 2013, based on the information contained in the complaint, and information provided by your clients, the Commission decided to dismiss the complaint. Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's findings, is enclosed for your information.

If you have any questions, please contact Ruth Heilizer, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

Anthony Herman  
General Counsel

Jeff S. Jordan /*MS*

BY: Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination and  
Legal Administration

Enclosure: Factual and Legal Analysis

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**FEDERAL ELECTION COMMISSION**  
**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENTS: Duckworth for Congress and  
Nancy Chen, as treasurer**

**MUR 6669**

**I. INTRODUCTION**

This matter was generated by a Complaint filed by Robert M. Paskiewicz alleging violations of the Federal Election Campaign Act of 1971, as amended (“Act”) by Duckworth for Congress and Nancy Chen in her official capacity as treasurer (the “Committee”). It was scored as a low-rated matter under the Enforcement Priority System, a system by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

**II. FACTUAL AND LEGAL ANALYSIS**

**A. Factual Background**

The Complainant, Robert M. Paskiewicz, asserts that Duckworth for Congress and Nancy Chen in her official capacity as treasurer violated the reporting requirements under 2 U.S.C. § 434(a)(2)(iii) by failing to file a complete 2012 October Quarterly Report within fifteen days after the last day of the quarter, as required by the Act. Compl. at 1. The Complaint states that the quarterly report filed by the Committee on October 15, 2012 covered only the month of September and failed to include information for the months of July and August, thereby violating the Act. *Id.* The Complaint includes two documents in support of Complainant’s assertion, in the form of a screen shot of the FEC’s Committee Details page and a copy of the Committee’s FEC Form 3, Page 1. Compl. at 2–3.

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1           In its response, the Committee acknowledges that its 2012 October Quarterly Report to  
2   the FEC filed on October 15, 2012 was incomplete and only contained information for the month  
3   of September 2012. Resp. at 1. The Committee asserts that its original reporting file was  
4   extremely large and had been split into two files, one covering the months of July and August  
5   and the other covering the month of September. *Id.* Due to inadvertent error, the Committee  
6   concedes that only the second file was uploaded on October 15, 2012, and that when the error  
7   was discovered early the next morning, the Committee took immediate steps to correct the error  
8   and uploaded the missing file by 10:00 AM on October 16, 2012. *Id.* at 1–2. Because of the  
9   minimal delay in filing and the Committee’s response to the initial error, the Committee requests  
10   that the Commission dismiss this Complaint. *Id.* at 2.

11           **B.     Legal Analysis**

12           The Committee was required to report all of its activity for the October quarterly period  
13   (July through September) on its disclosure report pursuant to 2 U.S.C. § 434(a)(2)(iii). Although  
14   the Committee inadvertently left off two months of activity, it took remedial steps and  
15   subsequently filed a complete report. In light of the remedial action taken by the Committee,  
16   within 24 hours of the omission and before notification from the FEC, and in furtherance of the  
17   Commission’s priorities, relative to other matters pending on the Enforcement docket, the  
18   Commission exercised its prosecutorial discretion and dismissed this matter as to the Committee  
19   pursuant to *Heckler v. Chaney*, 470 U.S. 821 (1985).